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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,183	08/23/2001	Armin Piur	136-7001.39	9529

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EXAMINER

BEFUMO, JENNA LEIGH

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/914,183	PIUR, ARMIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jenna-Leigh Befumo	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81.

No new matter may be introduced in the required drawing.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 is indefinite. First, it is unclear whether the Applicant is using “consisting of” to define the insulating tape described in claim 1, or only the warp threads used in the insulating tape. Should only the warp threads be limited to “consisting of”, while the invention can have additional components elsewhere? Or, is the claimed invention limited to only those components recited in claim 1 and subsequent claims? For purposes of examination only the warp yarns are limited to the consisting of language.

5. Second it is unclear what is meant by “a dielectrically high quality material”. What does the Applicant define as “high quality” and what type of “dielectric” properties does the material need?

6. Further, what does the Applicant mean by stating that the weight per unit area of a coarse mesh fabric corresponds to the weight per unit area of a fine-meshed fabric? How does the

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coarse mesh fabric correspond to the fine mesh fabric? Should the weights be within a certain amount to correspond or will any ratio satisfy this requirement? When one fabric weight 10 times as much as the other fabric, then the two fabrics correspond in a 10 to 1 ratio. Thus, it would appear that any fabric would correspond in some manner to another fabric. Also, the Applicant hasn't defined the properties of the fine-mesh fabric, which the claimed fabric is compared to. What is the weight of the fine meshed fabric? Should the coarse mesh fabric weigh more or less than the fine mesh fabric? Since the Applicant does not limit the fine mesh fabric or how the coarse mesh fabric should correspond to the fine mesh fabric any woven fabric will read on this limitation.

7. Additionally, claim 1 recites a fabric which is wrapped around an electrical conductor, a fabric which is applied to a dielectrically high quality material and a fabric which is a coarse-meshed material. Are these all the same fabric? Is the fabric wrapped around the supporting body different from the fabric bonded to the dielectrically high quality material? And if so which of these two fabrics does the phrase "the fabric is made coarse-meshed" refer to? For purposes of examination the term "fabric" is considered to refer to the same layer in the insulating tape.

8. Finally, the preamble in claim 1 is indefinite. It is unclear if the insulating tape claimed in claim 1 is also the fabric which is used as the supporting body? Are these the same materials? Or, is the tape used to attach an additional fabric layer to the electrical conductor? And what is "the supporting body"? There is insufficient antecedent basis for this limitation in the claim.

Claims 2 – 4 are rejected due to their dependence on claim 1.

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9. The phrase “acts roughly like 2 to 1” in claim 2 is indefinite. First, is the Applicant claiming that the thread weights are in a 2 to 1 ratio, or does the 2 to 1 refer to something else? Second, what is meant by “acts roughly like”? Would a 3 to 1 ratio “act roughly like” 2 to 1? How do the weights of the threads “act like” 2 to 1? Claims 3 and 4 are rejected due to their dependency on claim 2.

10. The phrase “can be exposed to an edge tear initiation force” in claim 4 is indefinite. What happens when the fabric is exposed to the force? Will the fabric tear or will it withstand the force?

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1 – 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakaguchi et al. (5,837,624).

Sakaguchi et al. discloses a woven glass fabric weighing between 15 and 30 g/m<sup>2</sup> characterized in that the warp yarn is at least 75 denier and thicker than the weft yarn (column 3, lines 5 – 11). Examples E to G listed in Table 1 all list the denier of the warp yarn to be about twice as much as the denier of the weft yarn. In Example G the number warp yarns is 48 per 25mm, or 19.2 yarns per cm. Further, Sakaguchi et al. discloses that additional layers can be added to the woven fabric including resin layers (column 3, lines 20 – 25). The resin layer

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corresponds to the Applicant's dielectrically high quality material. Therefore, claims 1 – 3 are anticipated.

Since claim 4 does not positively claim that the fabric has a specific edge tear initiation force or that the fabric withstands or breaks under the recited force, the claim recites no further structural limitations and is rejected with claim 1.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lania et al. (3,914,495) in view of Sakaguchi et al.

Lania et al. discloses a fire-retardant insulating tape comprising a glass scrim backing to which a continuous polyester film is adhered using a synthetic rubber laminate adhesive (abstract). Lania et al. discloses that drawbacks of the previous prior art include layers which are too thick and heavy (column 1, lines 40 – 45) as well as tape which has a low tensile strength (column 1, lines 50 – 54). While Lania et al. discloses that a glass scrim is used in the tape, Lania et al. fails to teach the structural limitations of the glass scrim. The features of Sakaguchi et al. have been set forth above. Sakaguchi et al. discloses that the glass fabric design enhances the tear strength without increasing the thickness (column 2, lines 53 – 56). Therefore, it would have been obvious to one of ordinary skill in the art to use the glass fabric taught by Sakaguchi et al. for the glass scrim in the insulating tape taught by Lania et al. since Sakaguchi et al. discloses

that the glass scrim design enhances the tear strength without increasing the thickness of the fabric, and Lania et al. discloses that drawbacks of insulating tape include low tensile strength. Thus, claims 1 – 3 are rejected.

Claim 4 is rejected with claim 1 since claim 4 does not positively claim that the fabric has a specific edge tear initiation force or that the fabric withstands or breaks under the recited force.

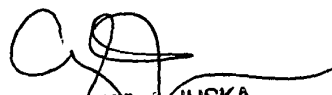
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (703) 605-1170. The examiner can normally be reached on Monday - Friday (9:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Jenna-Leigh Befumo  
April 17, 2003



CHERYL A. JUSKA  
PRIMARY EXAMINER